

January 20, 2012

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
January 20, 2012

- I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

- II. PRESENT

- III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 16, 2011

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD DECEMBER 16, 2011?

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	148.....	10
Agriculture.....	356.....	16
Arts Council.....	19.....	2
Capitol Development Board.....	46.....	0
Central Management Services.....	1,641.....	114
Children and Family Services.....	2,937.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	400.....	67
Commerce Commission.....	79.....	0
Corrections.....	11,669.....	105
Criminal Justice Authority.....	64.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	93.....	7
Employment Security.....	1,846.....	25
Environmental Protection Agency.....	882.....	16
Financial & Professional Regulation.....	471.....	42
Gaming Board.....	117.....	5
Guardianship and Advocacy.....	104.....	7
Healthcare and Family Services.....	2,166.....	26
Historic Preservation Agency.....	182.....	10
Human Rights Commission.....	14.....	2
Human Rights Department.....	145.....	8
Human Services.....	13,109.....	76
Illinois Sentencing Policy Advisory Council.....	2.....	2
Illinois Torture Inquiry Relief Commission.....	2.....	1
Insurance.....	252.....	13
Investment Board.....	2.....	1
Juvenile Justice.....	1,264.....	20
Labor.....	91.....	8
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Lottery.....	159.....	7
Medical District Commission.....	2.....	0
Military Affairs.....	122.....	3
Natural Resources.....	1,243.....	28
Pollution Control Board.....	21.....	1
Prisoner Review Board.....	19.....	0
Property Tax Appeal Board.....	24.....	1
Public Health.....	1,073.....	41
Racing Board.....	2.....	1
Revenue.....	1,807.....	52
State Fire Marshal.....	143.....	12
State Police.....	1,236.....	5
State Police Merit Board.....	5.....	1
State Retirement Systems.....	88.....	2
Transportation.....	2,418.....	0
Veterans' Affairs.....	1,301.....	8
Workers' Compensation Commission.....	138.....	8
TOTALS.....	47,967.....	815

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Illinois Department on Aging – Proposed Exemption

Position Number	40070-47-00-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Executive Office
Functional Title	Chief of Staff
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Department of Lottery – Proposed Exemption

Position Number	40070-45-10-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Finance
Functional Title	Chief Financial Officer
Incumbent	Vacant
Supervisor	Superintendent
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

C: Chief of Staff (Department on Aging)

D: Chief Financial Officer (Lottery)

V. CLASS SPECIFICATIONS

- None submitted.

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

January 20, 2012

VI. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	11/30/11	12/31/11	12/31/10
Aging	0	0	1
Agriculture	3	0	0
Central Management Services	2	1	1
Children and Family Services	4	2	2
Commerce and Economic Opportunity	0	0	1
Employment Security	6	6	3
Healthcare and Family Services	6	5	4
Historic Preservation Agency	1	1	0
Human Services	0	0	1
Natural Resources	13	8	3
State Fire Marshal	0	0	1
Transportation	4	4	1
Veterans' Affairs	0	1	0
Workers' Compensation Commission	0	0	0
Totals	39	28	18

IX. INTERLOCUTORY APPEALS

DA-16-12

Employee	Soberekon Koko	Appeal Date	09/14/11
Agency	Human Services	Decision Date	01/09/12
Type	Discharge	ALJ	Daniel Stralka
Issue(s)	Motion To Dismiss filed for untimely filing of appeal	Proposal for Decision	Motion to Dismiss granted subject to approval of Commission; appeal was untimely filed.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

DA-25-12

Employee	Hilda Whittington	Appeal Date	10/11/11
Agency	Employment Services	Decision Date	01/05/12
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion To Dismiss filed for no jurisdiction (employee not subject to jurisdiction B of the Personnel Code)	Proposal for Decision	Motion to Dismiss granted subject to approval of Commission; no jurisdiction.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

S-34-12

Employee	Henry D. Ferris	Appeal Date	12/07/11
Agency	Juvenile Justice	Decision Date	01/05/12
Type	Suspension	ALJ	Andrew Barris
Issue(s)	Failure to appear at scheduled hearing	Proposal for Decision	Dismissed subject to approval of Commission; default.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

X. **PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL**

DA-5-12

Employee	Cynthia Traylor	Appeal Date	07/22/11
Agency	Human Services	Decision Date	12/23/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming	Proposal for Decision	Charge is proven and warrants 60-day suspension plus duration of her suspension pending discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

DA-26-12

Employee	Kristyne Santiago	Appeal Date	10/11/11
Agency	Human Services	Decision Date	01/05/12
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Abuse of time	Proposal for Decision	Charge is proven and warrants discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XI. APPEALS DISMISSED WITHOUT DECISION ON THE MERITS

DA-12-12

Employee	Ryan D. McAllister	Appeal Date	08/23/11
Agency	Human Services	Decision Date	12/13/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Tardiness	Proposal for Decision	Dismissed subject to approval of Commission; settled.

DA-20-12

Employee	Christopher R. Morris	Appeal Date	09/19/11
Agency	Human Services	Decision Date	12/15/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Neglect of service recipient and others	Proposal for Decision	Dismissed subject to approval of Commission; dismissed by Agency.

DA-28-12

Employee	Jason M. Pierson	Appeal Date	10/14/11
Agency	Human Services	Decision Date	12/27/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences and tardiness	Proposal for Decision	Dismissed subject to approval of Commission; settled.

D-31-12

Employee	Bonnie Camacho	Appeal Date	11/29/11
Agency	Human Services	Decision Date	12/22/11
Type	Demotion	ALJ	Daniel Stralka
Issue(s)	Demotion	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

DA-32-12

Employee	Brian Johnson	Appeal Date	11/29/11
Agency	Veterans' Affairs	Decision Date	12/23/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSALS FOR DECISION IN THE ABOVE MATTERS?

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, February 17, 2012 at 11:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN